IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5605 OF 2005

Altaf Ismail Sheikh ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Sandesh More i/b Naveen Chomal for the Applicant
Ms Rajeshree Gadhvi,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 29,2005

P.C.:

1. Heard Advocate for the parties. The prayer in this application is for modification of the condition (vi) in paragraph No.8 of order dated 8th July 2005 passed in Criminal Application No.2639 of 2005. The contention of the Advocate for the Applicant is that the Applicant is required to attend three criminal cases in the Courts at Nashik, Ahmednagar and Sangli the particulars of which are incorporated in paragraph No.5 of this Application. It is submitted that for attending to the said cases, the Applicant will have to apply to the learned Special Judge on every occasion for seeking prior permission to leave Mumbai. The learned A.P.P. states that the Investigating Officer has verified that there are three cases pending against the Applicant in the Courts at Nashik, Ahmednagar and Sangli.

2. If the cases are pending against the Applicant in the courts at the said places, the Applicant will have to attend

the said cases. Therefore, Clause (vi) needs a limited modification so that the Applicant can attend the dates fixed in the cases without requiring him to go through the process of obtaining prior permission of the learned Special Judge.

3. Hence I pass the following order :

i) Condition No.(vi) of paragraph 8 of the order dated 8th July 2005 passed in Criminal Application No.2639 of 2005 is modified and the modified condition No. (vi) read thus :

"(vi) The Applicant shall not leave the territory of Mumbai without taking prior permission from the Special Judge, Mumbai. However, this restraint will not apply whenever the Applicant is required to attend the cases pending against him in the Courts at Nashik, Ahmednagar and Sangli, only for the purposes of attending the Courts on the dates fixed in the cases. He will be entitled to leave Mumbai only with prior intimation to the Investigating Officer. Along with prior intimation, the Applicant shall furnish his tour programme as well as his contact Number to the Investigating Officer/A.C.P.Mumbai. The Applicant will immediately report to the A.C.P. Mumbai after he returns to Mumbai."

4. Application is disposed of in above terms.

JUDGE